IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION LD.NO.2248 OF 2004

Stackwell Marketing Services Pvt.Ltd. & Anr. ...Petitioners.
Vs.
The Commissioner of Fisheries & Anr. ...Respondents.

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Mr. Shyam Diwan i/b. Rustamji & Ginwala for the Petitioners.
Mr. R. M. Sawant, Govt. Pleader for the Respondents.

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CORAM : DALVEER BHANDARI,C.J. &
DR.D.Y.CHANDRACHUD, J.

August 16, 2004.

P.C.:

The First Respondent issued a public notice dated 29th July 2004 inviting bids for the supply of insulated ice boxes for the preservation of fish. Under the terms of the notice inviting tender, bids had to be submitted at the latest by 1 p.m. On 11th August 2004. The Petitioners failed to submit the bid within the time limit prescribed since, even according to the Petitioners, the bid was submitted about 5 minutes after the prescribed deadline of 1 p.m. On 11th August 2004. Even though according to the Petitioners, there is a marginal delay in submitting the bid, we are of the view that the action of the authority in rejecting the bid on that ground

cannot be faulted. The public authority which floats a tender is bound to adhere to the terms and conditions governing the tender. The Court would not be justified in the jurisdiction under Article 226 of the Constitution in exercising this power to issue a writ of mandamus to direct the authority to relax a condition of the tender as in the present case. The Petitioners are to blame for the failure to submit the bid within the prescribed period. We do not find any merit in the petition which is accordingly rejected.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.